

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:12-cr-00455-HDM-PAL

Plaintiff,

v.

ORDER

CHARLES BO MUMPHREY,

Defendant.

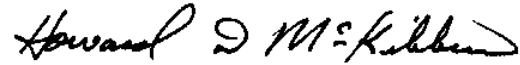
The defendant, Charles Bo Mumphrey, has filed a motion for reduction of sentence pursuant to 18 U.S.C. § 3582 and U.S.S.G. § 4A1.1 (ECF No. 272). Mumphrey's motion apparently relies on Amendment 821 to the United States Sentencing Guidelines, which, in relevant part, amended U.S.S.G. § 4A1.1. On March 21, 2024, the Federal Public Defender filed a "Notice of Non-Eligibility" pursuant to General Order 2023-09, indicating that Mumphrey is not entitled to a sentence reduction under Amendment 821. (ECF No. 275). The court agrees.

Amendment 821 amended U.S.S.G. § 4A1.1 to reduce or eliminate the number of criminal history points counted when an offender commits an offense while under a criminal justice sentence. Because Mumphrey was deemed to be a career offender under the provisions of U.S.S.G. § 4B1.1, his criminal history category remains VI, regardless of whatever effect the amendments to § 4A1.1 may have on his criminal history score.

1 Accordingly, Mumphrey's motion for relief pursuant to Amendment  
2 821 (ECF No. 272) is DENIED.

3 IT IS SO ORDERED.

4 DATED: This 2nd day of April, 2024.

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7 UNITED STATES DISTRICT JUDGE  
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